

No. 9/5/84-6Lab/11379.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Orient Instruments Pvt. Ltd., 9-A, New Industrial Area, Faridabad :—

**IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD**

Reference No. 619 of 1985

between

**SHRI PREMA CHANDERAN, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S ORIENT INSTRUMENTS PVT. LTD., 9-A, NEW INDUSTRIAL AREA,
FARIDABAD.**

Present :—

Workman in person.

Shri C. R. Sharma for the respondent-management.

AWARD

This industrial dispute between the workman Shri Prema Chandran and the respondent-management of M/s Orient Instruments Pvt. Ltd., 9-A, Industrial Area, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID:FD/89-85/39998—40003, dated 27th September, 1985 under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Prema Chandran was justified and in order? If not to what relief is he entitled?

According to the statement of the workman, he has received Rs 2,000.00 from the management, in full and final settlement of all his claims. The settlement is Ex. M-1 and the receipt is Ex. M-2. He has no right of reinstatement/re-employment.

In view of the statement, the award is given that dispute has been fully settled.

Dated the 5th December, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3705, dated the 17th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/11380.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Fibre Process Pvt. Ltd., N. I. T., Faridabad :—

**IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD**

Reference No. 27 of 1985

between

**SHRI GAYA DIN, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S FIBRE
PROCESS PVT. LTD., N. I. T., FARIDABAD.**

Present :—

Workman with Shri Jawahar Lal.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Gaya Din and the respondent-management of M/s. Fibre Process Pvt. Ltd., N. I. T., Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/14-85/5837-42, dated 15th February, 1985 under section 10(i) (c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Gaya Din was justified and in order? If not, to what relief is he entitled?

The management was duly served through regd. cover and Shri R. C. Sharma was representing them. But Shri R. C. Sharma has stated that Shri N. K. Lalia has left the service of the respondent. This clearly shows that the management was duly served. Hence *ex parte* evidence of the workman recorded. In *ex parte* evidence the workman has stated that he was appointed on 2nd January, 1968. He was not given retrenchment compensation and he was illegally terminated on 1st January, 1984. I do not find any reason to disbelieve the uncontradicted evidence of the workman. I, therefore, find that his services were illegally terminated by the management. He is, therefore, entitled to reinstatement with continuity of service and with full back wages.

The award is given accordingly.

R. N. SINGAL,

Dated, the 5th December, 1985.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3706, dated the 17th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act,

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/11381.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Natraj Woollen Mills, Gurgaon :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 164 of 1985

between

SHRI SHAMBHU NATH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF THE M/S
NATRAJ WOOLLEN MILLS GURGAON

Present:

Workman with Shri Sharda Nand,

Shri M. P. Gupta for the respondent-management.

AWARD

This industrial dispute between the workman Shri Shambhu Nath and the respondent-management of M/s. Natraj Woollen Mills, Gurgaon has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/191-82/10517-22, dated 10th March, 1985 under Section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Shambhu Nath was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman demand employment as he was not given notice of preference as per provisions of law and lieu of settlement. He has demanded re-employment with effect from the date of new recruitment along with full wages for the period.

It is contended by the respondent that there was general retrenchment. Hence this workman along with other workmen were retrenched from service and full and final account were settled. The management again decided to re-employ certain workmen. The workman were also called for re-employment along with others,—*vide* notice pasted on the notice board and individual notice was also sent to the workman, but the workman did not come for re-employment.

From these averments of both the parties it is pleaded that no termination is in dispute. The only dispute is whether the workman is entitled to be re-employed, but in the present case the following reference has been sent for adjudication:—

Whether the termination of services of Shri Shambhu Nath was justified and in order? If not, to what relief is he entitled?

As there is no dispute of termination of service of the workman. Hence this reference is bad and without any proper reference. This court cannot travel beyond the terms of reference. This Court cannot decide if the workman is entitled to be re-employed, in view of law laid down by the Bombay High Court in Sita Ram Vishnu Shirodkar and the Administrator, Government of Goa and others, 1985-LLJ page 480. The workman can move the appropriate Government for appropriate reference. Hence the reference is decided that the reference is bad in law.

R. N. SINGAL.

Dated, the 14th October, 1985.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3707, dated the 17th December, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL.

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/11382.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Tiger Lockes Ltd., Plot No. 3, Industrial Estate, Palam-Gurgaon Road, Gurgaon :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 266 of 1983

between

SHRI DULI CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF THE M/S TIGER LOCKER LTD., PLOT NO. 3, INDUSTRIAL ESTATE, PALAM-GURGAON ROAD, GURGAON

Present :

Shri P. R. Yadav, for the workman.

Shri M.P. Gupta, for the management.

AWARD

This industrial dispute between the workman Shri Duli Chand and the respondent-management of M/s. Tiger Locks Ltd., Plot No. 3, Industrial Estate, Palam-Gurgaon Road, Gurgaon has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. 1D/ GGN/92-84/46277-81, dated the 7th September, 1983, under section 10(1)(a) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Duli Chand, workman was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the claimant was working with the respondent-management since 2nd August, 1976. His services were illegally terminated on 15th April, 1983. On 12th December, 1982 the claimant was arrested in a case under Section 302 I.P.C. He was acquitted by the Court on 13th April, 1983 and on 15th April, 1983 he went to the respondent to join duty but he was not allowed. He has prayed for reinstatement with continuity of service and with full back wages.

This claim of the claimant was contested by the management. It is contended that the workman remained absented from duty from 13th December, 1982. Letters were written to him through registered cover. He was given show cause notice. No reply was received. Hence his services were terminated on 1st April, 1983. This termination is alleged to be justified and in order ?

The workman has not filed the rejoinder to deny the averments. The reference was contested on the following issues:—

1. As per reference ?

I have heard the authorised representatives of both the parties and gone through the evidence on record. My findings on the issues are as under :—

Issue No. 1 :

MW-1. has alleged that the workman remained absent and letters were written to him. Copy of the letters is Ex. M-3. Hence Ex. M-1. was written to the workman. Its postal receipt is Ex. M-2. Second letter was also written to the workman. Its copy is Ex. M-3. His services were terminated on 1st April, 1983,—vide letter Ex. M-4. The workman in his statement as WW-1 has stated that he remained in jail from 12th December, 1982 to 13th April, 1983 and that he did not write any letter to the management. Letters were also written to him but no reply was received from the workman. Hence the management was justified in terminating the services of the workman from 1st April, 1983. He has also admitted that he got employment in Police Department. In these circumstances, he is not entitled to be reinstated. In view of the above arguments, I find that the termination of the workman is justified and in order. He is not entitled to any relief.

The award is given accordingly.

Dated the 14th October, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3708, dated the 17th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6 Lab./11383.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Laxmi Engineering Corporation, Mehrauli Road, Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No 372 of 1984

between

SHRI ASHOK KUMAR, WORKMAN AND THE RESPONDENT MANAGEMENT OF
M/S LAXMI ENGINEERING CORPORATION, MEHRAULI ROAD, GURGAON

Present :

Workman with Shri Rishi Parkash.

Shri M. P. Gupta. for the respondent-management.

AWARD

This industrial dispute between the workman, Shri Ashok Kumar, and the respondent-management of M/s. Laxmi Engineering Corporation, Midrand Road, Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana—Order No. 10 DGN 1984-85 (251-86), dated 30th August, 1984 under Section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Ashok Kumar was justified and in order? If not, to what relief is he entitled?

According to the demand notice the workman was appointed on 1st July, 1983 and his services were terminated on 12th May, 1984. He has claimed for reinstatement with full back wages and continuity of service. This claim of the workman has been contested by the management. It is contended that he was appointed on 27th September, 1983 and his services were terminated on 7th May, 1984 during the period of probation. Objection is taken that the reference is bad.

The reference was contested on the following issues :—

1. As per reference?

I have heard the representatives of both the parties and gone through the entire evidence on record. My findings on the issues are as under :—

Issue No 1 :—

The management has examined MW-1 Shri B. L. Dube. He has proved appointment letter Ex. M-1 and letter Ex. M-2 by which his probation was extended. He has further stated that the workman was terminated on 7th May, 1983. The workman himself admitted that he was appointed on 1st October, 1983 and his services were terminated on 12th May, 1984, though he has denied Ex. M-1 and letter Ex. M-2. I have myself compared the signatures of Shri Ashok Kumar, claimant in these two letters with the admitted signatures of the workman on the demand notice and claim statement. These are the same person. Even according to admission of the workman, he has not completed 240 days of service on 12th May, 1984 when his services were terminated. He is therefore, not entitled to the benefits of Section 25-F of the Industrial Disputes Act. His services could be terminated at any time and without complying with the provisions of Section 25-F of the Industrial Disputes Act. He is, therefore, not entitled to any relief. The order of termination is legal and justified.

The award is given accordingly.

Dated the 21st October, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 5709 dated the 17th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/11384.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s National Woollen Mills, Pvt. Ltd., Gurgaon :—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 456 of 1985

between

SHRI BABU LAL, TIWARI, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
NATRAJ WOOLLEN MILLS, PVT. LTD., GURGAON

Present :—

Shri Sharda Nand, for the workman.

Shri M.P. Gupta, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Babu Lal Tiwari and the respondent-management of M/s. Nairaj Woollen Mills, Pvt. Ltd., Guigaon has been referred to this Court by the Hon'ble Governor of Haryana,—vide his Order No. ID/FD/GGN/47-85/39133—38, dated 30th July, 1985 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Babu Lal Tiwari was justified and in order? If not, to what relief is he entitled?

The workman has joined the service on 3rd July, 1980. The workman has contended that his services were terminated on 14th March, 1985 whereas the contention of the management is that he has not been terminated rather he has been absenting from duty from 14th March, 1985. The management also directed to come on duty if so desire. The workman did not come on duty. Even in the written comments of demand notice also it was alleged that the workman has absent on his own accord. The following reference has been sent to this Court:—

Whether the termination of services of Shri Babu Lal Tiwari was justified and in order? If not to what relief is he entitled?

There is no reference before this court that the workman is absent from duty of his own. Hence this court cannot decide this reference because this Court cannot go beyond the reference. It has been held by the Delhi High Court in *Sita Ram Vs. Delhi High Court*, 1984-LLN page 297. In this case cited above the employee contended that he was removed from service and the contention of the employer is that the employee has voluntarily abandoned the job. Thus the real dispute was whether the employee voluntarily abandoned the job. However the reference made under Section 10 (i)(c) of the Industrial Disputes Act, 1947 was to the effect whether the termination was legal and justified and if the answer is in negative to what relief is he entitled. The question is whether the reference in terms is legal. It is held that the Tribunal could not travel beyond the terms of reference and decide the question whether the workman have abandoned his services. That the petitioner employer had terminated the services of the workman was an act fastened on the employer by this reference and only question left open for decision was whether the termination was legal and proper. As the real dispute was not referred and the reference itself was void and liable to be quashed.

In view of the above said law the reference is bad. The workman is at liberty to move the Govt. to make a correct reference in terms of the plea of the management. The reference is answered accordingly.

Dated the 14th October, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3710, dated the 17th December, 1985.

Forwarded (if any copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad

No. 9 5 84-6Lab 11457. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s C.D.I.L., 14/5, Mathura Road, Faridabad:—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 39/1985

between

THE MANAGEMENT OF M/S. C.D.I.L., 14/5, MATHURA ROAD, FARIDABAD AND
ITS WORKMEN

Present:

None.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s C.D.I.L., 14/5, Mathura Road, Faridabad, to this Tribunal, for adjudication :—

- (1) Whether the workmen of the establishment are entitled to grade and scales according to designation and work ? If so, with what details ?
- (2) Whether the workmen of the establishment are entitled to Cycle Allowance ? If so, with what details ?

2. Notices were issued to both the parties. It may be mentioned that on 3rd December, 1985, none appeared on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against the workmen. On the last date of hearing, none appeared on behalf of the Management even though they were represented previously and as such *ex parte* proceedings were ordered against the management. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated the 24th December, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 975, dated 24th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 14th January, 1986

No. 95 84-6 Lab 10869. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Mohan Spinning Mills, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 68 of 1985

between

SHRI JAI KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. MOHAN
SPINNING MILLS, ROHTAK

None, for the petitioner.

Shri M. M. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Jai Kumar and the management of M/s. Mohan Spinning Mills, Rohtak, to this Court for adjudication,—vide Haryana Government Gazette Notification No. 48619—24, dated 25th April, 1985 :—

Whether the termination of service of Shri Jai Kumar was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order & the reference notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent since 16th December, 1982 and that the respondent choose to terminate his services unlawfully on 31st August, 1984, because of his union activities and as such, he has claimed reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas propounded need not be detailed because this reference is being answered on grounds other than merits.

After the management had filed its reply to the claim of the workman, he absented. The only inference possible is that the workman is not interested in prosecution of his claim and as such, the same is dismissed for non-prosecution and answered accordingly with no order as to cost.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

Dated the 31st October, 1985.

Endorsement No 68-85 1913, dated 10th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,

Labour Court, Rohtak.

No. 95-84-6Lab. 10870.— In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M. S. Swastik Laminating, Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 115 of 1985

between

SHRI SATBIR, WORKMAN AND THE MANAGEMENT OF M.S. SWASTIK LAMINATING,
BAHADURGARH (ROHTAK)

None. for the workman.

Shri M. M. Kaushal, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Satbir and the management of M. S. Swastik Laminating, Bahadurgarh (Rohtak), to this Court, for adjudication, —*vide* Labour Department Gazette Notification No 32105-10, dated the 30th July, 1985 : —

Whether the termination of services of Shri Satbir is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Helper for the last about four years on monthly wages of Rs. 330, but the respondent choose to terminate his services unlawfully on 24th January, 1985, because of his union activities. So, he has prayed for reinstatement with continuity of service and full back wages.

3. In the detailed reply filed by the respondent claim of the workman has been controverted *in toto*. Pleas propounded need not be detailed because this reference is being disposed of on grounds other than merits.

4. After the reply has been filed by the respondent and the case was fixed for arguments on the application given by the management, the workman did not appear, nor his duly Authorised Representative. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed for non-prosecution and answered accordingly with no order as to cost.

B. P. JINDAL,

Dated 31st October, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endorsement. No. 115-85/1971, dated the 10th December, 1985.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab. 10943.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Executive Engineer, Haryana State Electricity Board, Operation, Division, Bhiwani.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 246 of 1983

between

SHRI JAI PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S EXECUTIVE
ENGINEER, HARYANA STATE ELECTRICITY BOARD, OPERATION DIVISION,
BHIWANI

Workman with Shri Balbir Sharma, his A. R.

Shri Jaspal Singh, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Jai Pal Singh and the management of M/s Executive Engineer, Haryana State Electricity Board, Operation Division, Bhiwani, to this Court, for adjudication,—vide Haryana Government Gazette Notification No. 61603—8, dated 23rd November, 1983 :—

Whether the termination of services of Shri Jai Pal Singh, is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was working with the respondent as a Bill Distributor on 9th October, 1973 and that the respondent choose to terminate his services,—vide order dated 13th May, 1983, unlawfully. So, there is a prayer for reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the petitioner has been controverted *in toto*. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were framed by me on 19th November, 1984 :—

(1) Whether the reference is bad in law ? OPR.

(2) Whether the termination of services of Shri Jai Pal Singh, is justified and in order ? If not, to what relief is he entitled ?

5. After the workman had made a statement and the management had examined one witness Shri Chandgi Ram, happily a settlement was arrived at whereunder the respondent has agreed to reinstate the workman with continuity of service but without back wages. This offer has been accepted by the petitioner. The respondent has agreed to treat the period for which the petitioner remained out of employment as leave of the kind due. In that behalf, statement of the petitioner and that of the respondent has been recorded. The respondent has agreed to reinstate the workman within 15 days from today, failing which the petitioner shall stand reinstated with continuity of service and full back wages. The reference is answered and returned accordingly. There is no order as to cost.

Dated 7th November, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

Endorsement No. 246-83/1927, dated 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Hissar.

No. 9/5/84-6Lab./10944.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of (i) Transport Commissioner, Haryana, Chandigarh (ii) General Manager, Haryana Roadways, Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 95 of 1985

between

SHRI RANBIR SINGH, WORKMAN AND THE MANAGEMENT OF TRANSPORT
COMMISSIONER, HARYANA, CHANDIGARH, (ii) GENERAL MANAGER, HARYANA
ROADWAYS, SONEPAT

Shri M. S. Rathi, A. R., for the workman.

Shri N. C. Jain, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ranbir Singh and the management of Transport Commissioner, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Sonapat, to this Court for adjudication,—*vide* Haryana Government Gazette Notification No. 24301-07, dated 5th June, 1985 :—

Whether the termination of services of Shri Ranbir Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Ticket Varifier since 1st April, 1981 and that on 24th August, 1984 his services were terminated unlawfully by the respondent without any charge-sheet or domestic enquiry. So, he has claimed reinstatement with continuity of service and full back wages.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Pleas taken need not be detailed, because this reference is being answered on grounds other than merits.

4. Before any issues could be framed, happily a settlement was arrived at, whereunder, the management has agreed to reinstate the workman within fifteen days from today and has also agreed to give him all benefits of previous service. The workman has given up his claim of back wages. So, in terms of the settlement, now, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated the 8th November, 1985.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

Endst. No. 95-85/1928, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

No. 9/5/84-6 Lab./10945.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of Chief Executive Officer, D. R. D. A., Bhiwani.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 152 of 1981

Between

SHRI SUBASH CHANDER, WORKMAN AND THE MANAGEMENT OF CHIEF
EXECUTIVE OFFICER, D. R. D. A., BHIWANI

Present:—

None, for the workman.

Shri V. Acharya, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Subash Chander and the management of Chief Executive Officer, D. R. D. A., Bhiwani, to this Court for adjudication,—vide Haryana Government Gazette Notification No. ID/HSR 182/81/58618, dated 7th December, 1981:—

Whether the termination of service of Shri Subash Chander was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of workman is that he was employed with the respondent as a clerk since April, 1974 and that the respondent choose to terminate his services unlawfully,—vide its order, dated 27th January, 1981 on the ground that his services were no longer required and that the said order was passed in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issue was framed for decision on 3rd June, 1982:—

(1) Whether the termination of service of Shri Subash Chander was justified and in order? If not, to what relief is he entitled?

5. In consequence of the amendment made by the respondent in the written statement, the following additional issue was laid down for decision by me on 18th February, 1985 :—

(1-A) Whether the respondent is not an "industry" as defined in section 2(J) of the Industrial Disputes Act, 1947 ?

6. After the management had closed its evidence after examining one witness and the case was posted for evidence of the workman, he did not appear in spite of many opportunities being given. So, this reference is ordered to be dismissed for non-prosecution and answered accordingly. There is no order as to cost.

Dated the 13th November, 1985.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst. No. 152-81/1929, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak

No. 9/5/84-6 Lab./10946.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Jay Dinesh Rolling Mills, M.I.E., Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 45 of 1983

between

SHRI RAMDEV SINGH, WORKMAN AND THE MANAGEMENT OF M S JAY DINESH ROLLING MILLS, MIE, BAHADURGARH (ROHTAK)

Present:—

Workman in person.

Shri M. C. Bhardwaj, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Ramdev, and the management of M/s Jay Dinesh Rolling Mills, MIE, Bahadurgarh, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. ID/RTK/51-83/20908—13, dated 4th May, 1983:—

Whether the termination of service of Shri Ramdev Singh, was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the petitioner is that he was employed with the respondent as a Firman since 1st January, 1980 on monthly wages of Rs 600 and the respondent choose to terminate his services unlawfully with effect from 1st October, 1982 on some trumped up charge of theft and that the order of termination is illegal and unjustified. So, he has prayed for reinstatement with all benefits of previous service and full back wages.

3. Earlier the management did not appear inspite of notice and so *ex parte* proceedings order, dated 22nd October, 1984 was passed and thereafter *ex parte* award dated 20th November, 1984 was rendered.

4. The said award was set aside when the management moved an application for setting aside the same. The workman did not object to the setting aside of the said *ex parte* award except on payment of cost. The same was set aside on payment of Rs. 100 as cost on 21st March, 1985.

5. Thereafter the respondent filed a reply and following issues were framed by me on 9th May, 1985:—

- (1) Whether the respondent has not been properly impleaded in the order of reference? OPR.
- (2) Whether there is no relationship of employer and employee between the parties? OPR.
- (3) Whether the respondent concern has since been closed? If so, to what effect? OPR.
- (4) Whether the termination of service of Shri Ramdev Singh was justified and in order? If not, to what relief is he entitled?

6. Before any evidence could be adduced, happily a settlement was arrived at, whereunder, the workman made a statement in the Court that he has fully settled his accounts with the respondent and that now, no claim survives for adjudication. So, the reference is order to be dismissed in terms of the statement of the workman and answered accordingly with no orders as to cost.

Dated 13th November, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endst No. 45-83/1930, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B.P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab.10948.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of Transport Commissioner, Haryana, Chandigarh (ii) Haryana Roadways, Bhiwani.

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 85 of 1985.

Between

SHRI MAMAN CHAND, WORKMAN AND THE MANAGEMENT OF (i) TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH, (ii) HARYANA ROADWAYS, BHIWANI.

Workman in person.

Shri Vijay Vir Singh, A. R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Maman Chand and the management of M/s. (i) Transport Commissioner, Haryana, Chandigarh, (ii) Haryana Roadways, Bhiwani, to this Court, for adjudication,— vide Haryana Government Gazette Notification No. 23442-47, dated 31st May, 1985 :—

Whether the termination of services of Shri Maman Chand is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed as a Chowkidar with the respondent since 10th October, 1978 but the respondent choose to terminate his services unlawfully on 11th October, 1984 on some

trumped up charges, into which, no probe was held by the respondent and so, he has alleged that his termination was illegal and unlawful and as such, he has prayed for reinstatement with continuity of service and full back wages.

3. Before any reply could be filed by the respondent, happily a settlement was arrived at, where under, the respondent has agreed to reinstate the workman within ten days from the day with continuity of service but without back wages. In that behalf, statement of the workman and Shri Vijay Vir Singh, learned Law Officer of the respondent has been recorded. So, now nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated 18th November, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

Endst No. 85-85/1932, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bhiwani.

No. 9/5/84-6Lab./18949.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Haryana Electro Steel Ltd., Larsoli, Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 40 of 1984

between

SHRI BĒD RAM, WORKMAN AND THE MANAGEMENT, OF M/S HARYANA ELECTRO STEEL LTD. LARSOLI, SONEPAT

None, for the parties.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Bed Ram and the management of M/s. Haryana Electro Steel Ltd., Larsoli, Sonapat, to this Court, for adjudication, vide Haryana Government Gazette Notification No. 13531-36, dated 30th March, 1984:—

Whether the termination of services of Shri Bed Ram is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Labourer for the last eight years on monthly wages of Rs. 350 and that he never gave any cause for complaint to the respondent and that the respondent choose to terminate his services unlawfully with effect from 26th September, 1983 in illegal and arbitrary manner.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. It is alleged that the applicant proceeded on leave from 18th August, 1983 to 25th August, 1983 and then from 25th August, 1983 to 31st August, 1983 and was to report for duty on 1st September, 1983, on which date he did not turn up nor he sent intimation to the management regarding reasons of his absence and so, the services of the applicant were rightly terminated.

4. On the pleadings of the parties, the following issues were settled for decision on 10th October, 1984:—

1. Whether the workman abandoned his employment as alleged by the respondent? OPR.
2. Whether the termination of services of Shri Bed Ram is justified and in order? If not, to what relief is he entitled?

5. Subsequently the management absented and so, *ex parte* proceedings order was passed against the management on 8th August, 1985.

6. The case is being adjourned for the evidence of the workman since 10th October, 1984. He is not coming forth. His learned Authorised Representative Shri R. S. Lakra does not know his whereabouts. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed for non-prosecution and answered accordingly with no orders as to cost.

Dated the 6th December, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

Endst. No. 40-84/1959, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Sonapat.

No. 9/5/84-6Lab./10950. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Gupta Bakelite Factory, G.T. Road, Bahalgarh (Sonapat).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 107 of 1984

between

SHRIMATI CHANDRAWATI, WORKMAN AND THE MANAGEMENT OF M/S GUPTA
BAKELITE FACTORY, G.T. ROAD, BAHALGARH (SONEPAT)

Workman with Shri S.N. Solanki, A.R., for the workman.

Shri D.C. Gandhi, A.R., for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Smt. Chandrawati and the management of M/s Gupta Bakelite Factory, G.T. Road, Bahalgarh (Sonapat), to this Court, for adjudication, —vide Haryana Government Gazette Notification No. 23426—31, dated 29th June, 1984:—

Whether the termination of services of Shrimati Chandrawati is justified and in order? If not, to what relief is she entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that she was employed with the respondent as a Helper for the last about 3½ years on monthly wages of Rs. 625 but the respondent choose to terminate her services unlawfully on 17th April, 1984 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. Before any issues could be settled, a settlement was arrived at whereunder, the management, paid a sum of Rs. 1,650 to the workman in the Court in full and final satisfaction of her claim. In the behalf, statement of the workman was recorded. So, now, nothing services for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated 5th December, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst No. 107-84/1960, dated the 11th December, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.